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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement submitted by International Education Development, Inc., a non-governmental organization on the Roster

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 March 1999]

Sanctions against Iraq: Human rights and humanitarian law considerations

1. International Educational Development/Humanitarian Law Project has been deeply concerned for a number of years about the extreme consequences on human rights, especially the right to life, the right to food and the right to health, due to the sanctions regime imposed on Iraq.

2. We first raised our concerns to the Commission at its fifty-second session (1996) in conjunction with Mrs. Margarita Papandreou and Women for Mutual Security, and with Italy-based Bridges to Baghdad. At that session we cited numerous reports by United Nations bodies on the starvation and near starvation of hundreds of thousands of Iraqi women and children and the acute suffering of all Iraqis. We noted the extreme shortages of even the most basic medicines. We noted the near catastrophe from the effects of weaponry containing depleted uranium used by United States forces: dramatically higher rates of birth defects, alarming cancer rates in small children and other medical sequelae of exposure to radiation from depleted uranium. We expressed deep concern about the operation of the Sanctions Committee and its seeming violation of the basic principles of humanitarian law mandating the free circulation of goods necessary for the survival of the civilian population. Now, three years later, the sanctions are still in force.

3. In August 1998 we circulated a document on sanctions and human rights (E/CN.4/Sub.2/1998/NGO/24) at the fiftieth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in response to Sub-Commission resolution 1997/35. 1/ Our document sets out provisions of international law, especially human rights and humanitarian law, relevant to the issue of sanctions and provides a country-by-country review of sanctions regimes currently imposed. The situation in Iraq is by far the gravest of any country with internationally, regionally or unilaterally imposed sanctions.

4. Because of the alarming conditions in Iraq we decided to undertake a review of the situation from the onset of the Gulf war to the present. The findings of our review are set out in "The Case against the United States: Violations of International Law, Including War Crimes, Genocide and Crimes against Humanity in its Actions against the Territory and People of Iraq" (IED/HLP 1999), available to members of the Commission. We concluded that the United States: (a) carried out military operations beyond the scope of the authorizing Security Council resolutions; (b) carried out military operations against retreating soldiers and civilians; (c) carried out military operations against civilian targets; 2/ (d) carried out military operations after the aims of the war had been achieved; (e) used illegal and inhumane weapons such as weaponry containing depleted uranium; (f) failed to come to the aid of victims or even to allow others to come to their aid; (g) illegally utilizes United Nations work in Iraq, including UNSCOM and other field operations; (h) exercises undue control and influence over the Sanctions Committee to the severe detriment of the free flow of humanitarian goods; and (i) carries out continuous military cperations against military and non-military targets in Iraq with no United Nations mandate.

5. We concluded that the definition of genocide was met by the wilful killing and the callous and wanton disregard on the part of the United States for the lives and survival of the Iraqi people and by the use of weaponry affecting generations to come by causing birth defects, sterility and other conditions.

6. We found the control exercised by the United States over the Sanctions Committee especially disturbing. In that regard the findings of the Department of Humanitarian Affairs of the Secretariat are most revealing: in expressing concern over the way humanitarian exceptions were handled by the Committee (the "application delays"), it found that by mid-1997 only one half of the applications had been approved. It also found that the Committee still met behind closed doors. 3/ In 1999 the situation is little better.

7. In addition to blocking urgently needed direct food and medical aid, the United States has also prevented the supply of or destroyed veterinary supplies and agricultural seeds, fertilizer and pesticides. One result has been a recurrence of hoof and mouth disease, which had been eradicated in Iraq due to an intensive immunization programme. Another result is poor crops or no crops at all, thereby preventing Iraqis from meeting their own subsidence needs.

8. An especially disturbing situation is the emergence of the screw-worm fly in Iraq. This insect is deadly to cattle and can kill weakened people and small children. Never known above the 30th parallel, it suddenly appeared near Baghdad and began spreading. Supplies to treat people and cattle and to control this fly were not allowed. In addition to ensuring immediate provision of such goods, the international community should investigate how the screw-worm fly came to be in Iraq at all.

9. In examining the near hysteria of the United States over efforts to lift sanctions in Iraq, we can only conclude that the United States seeks to cover up or deflect attention from its own violations of the laws and customs of war during the Gulf war. We conclude that the need to cover up the real effects of depleted uranium might be especially important. By creating a climate of hostility towards the Iraqi people, by maintaining sanctions, and by attempts to criminalize aid efforts actually allowed under humanitarian law, the United States has effectively created a "chilling effect" on normal human rights investigations and relief operations. Human rights organizations are scared away or actually prevented from going to Iraq to assess the situation. Equally important, human rights organizations are unable to contact victims who might wish to present a claim under human rights or humanitarian law. Iraq is the only country in the world where conditions imposed from without make it nearly impossible to carry out normal human rights work.

10. The Commission can and should address the adverse effects of the sanctions on Iraq as a matter of the greatest urgency. First, the Commission should request the Security Council to end all sanctions relating to food, medicine and other items needed for the survival of the Iraqi people, its livestock and its agriculture. We also urge an end to sanctions on travel to and from Iraq so as to facilitate the rapid provision of humanitarian aid, the medical evacuation of persons in need of emergency medical care elsewhere, and easier access for human rights and humanitarian organizations.

11. We also urge the Commission to address the issue of racism and xenophobia in conjunction with the situation in Iraq and the sanctions. Our organization is convinced that the negative campaign carried out against Iraq by the United States in order to continue the sanctions has led to generalized hatred of the Iraqi people and indifference to their plight.

12. We urge the High Commissioner to exercise her good offices to end sanctions on essential civilian goods and travel. Additionally, we urge her to undertake a study of the effects of sanctions in Iraq on the realization of human rights. In our view, even when sanctions are lifted, there will still be a compelling need to assess what they did to the Iraqi people.

Notes

1/ The Sub-Commission, in its decision 1998/112 of 26 August 1998, decided to continue consideration of this topic.

2/ Most credible sources attest that up to 60 per cent of the civilian casualties in the Gulf war were Iraqi children. In our report we cited the Red Crescent (Jordan) and others in this regard. We also noted unnecessary military operations against Iraqi soldiers, quoting one American officer who called the war a "turkey shoot" (United States pilot Colonel Richard White, quoted in The Independent (London), 6 February 1991).

3/ Although the serious effects on the Iraqi people were known before the military operations in the Gulf war started, by July 1991 the situation was already grave. As reported by the inter-agency mission headed by Sadruddin Aga Khan: "Innocent civilians", and above all the most vulnerable, "should not be held hostage to events beyond their control. ... It is clearly imperative that Iraq's essential civilian needs be met urgently" (S/22799, annex).